

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CIT BANK, N.A.,

Plaintiff,

- against -

DEVON SEERAM; and NEW YORK CITY
ENVIRONMENTAL CONTROL BOARD,

Defendants.
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ROSLYNN R. MAUSKOPF, United States District Judge.

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ MAR 13 2018 ★

BROOKLYN OFFICE

**ORDER ADOPTING REPORT
AND RECOMMENDATION**
16-CV-2608 (RRM) (LB)

On May 23, 2016, plaintiff CIT Bank brought this foreclosure action against defendants Devon Seeram and the New York City Environmental Control Board ("ECB"). CIT Bank seeks to foreclose its mortgage on a property located at 743 Decatur Street, Brooklyn, New York 11233 ("Property"), to obtain payment on the note secured by the underlying mortgage ("Note"), to extinguish all subordinate interests in the property, and to have a referee appointed to sell the Property. (*See* (Compl. (Doc. No. 1).)

CIT Bank served the defendants, but they failed to respond. The Clerk of Court entered default on July 13, 2016. (Entry of Default (Doc. No. 10).) On August 15, 2016, CIT Bank moved for default judgment. (Def. Mot (Doc. No. 13).) The Court referred the motion to Magistrate Judge Lois Bloom for a report and recommendation ("R&R"). (*See* 8/16/2016 Order.)

Judge Bloom found that the complaint contained well-pleaded allegations against both Seeram and the ECB, and, accordingly, recommended CIT Bank's motion for a default judgment as to both defendants be granted. (R&R (Doc. No. 24) at 2.) Judge Bloom recommended ordering the foreclosure and sale of the Property, as well as awarding CIT Bank the principal due

on the Note, interest, fees and costs. She also recommended appointing Gregory Cerchione as referee for the foreclosure and sale. (R&R at 12.) As to defendant New York City Environmental Control Board, Judge Bloom recommended foreclosing its interests in the property located at 743 Decatur Street, Brooklyn, New York 11233.

Judge Bloom reminded the parties that, pursuant to Federal Rule of Civil Procedure (“Rule”) 72(b), any objection to the R&R must be filed within fourteen days of service, and directed CIT Bank to serve copies of the R&R on the defendants. (*Id.* at 13.) CIT Bank properly served the defendants. (Doc. No. 25.) No party has objected to Judge Bloom’s R&R, and the time to do so has since expired.

Pursuant to 28 U.S.C. § 636(b) and Rule 72, the Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007).

CONCLUSION

It is hereby ORDERED:

That the Report and Recommendation of Magistrate Judge Bloom (Doc. No. 24) is adopted in its entirety; and

That plaintiff’s motion for default judgment (Doc. No. 13) is granted in its entirety.

It is FURTHER ORDERED that default judgment be entered in favor of CIT Bank and against Seeram as follows:

- (i) \$447,691.18 for the principal due on the Note;
- (ii) \$132,348.40 for the accrued interest due on the Note calculated from May 1, 2010 through August 20, 2016, \$8,781.74 for the accrued interest due on the Note from

August 20, 2016 to February 15, 2017, as well as additional accrued interest until the date of entry of judgment at the rate of \$49.09 per diem;

- (iii) \$31,620.99 for the escrow advances, Broker Price Opinion/appraisal fees, and property inspections;
- (iv) \$1,750.00 in attorneys' fees; and
- (v) \$1,020.69 in costs.

The Court FURTHER ORDERS the foreclosure and sale of the property located at 743 Decatur Street, Brooklyn, New York 11233, and that Gregory Cerchione be appointed as a referee for the foreclosure and sale.

The Court FURTHER ORDERS that default judgment enter in favor of CIT Bank and against the New York City Environmental Control Board, foreclosing the interests of the New York City Environmental Control Board in the property located at 743 Decatur Street, Brooklyn, New York 11233.

The Clerk of Court is directed to enter Judgment pursuant to this Order, and upon so doing, close this case.

CIT Bank is Ordered to serve on both defendants at their last known addresses within 10 days of the entry of Judgment a copy of this Order and accompanying Judgment, and to file proof of service with the Court within five (5) days of service.

SO ORDERED.

Dated: Brooklyn, New York
March 13, 2018

s/ RRM

ROSLYNN R. MAUSKOPF
United States District Judge